

MARCH 17, 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURTUNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISIONFILED
MAR 17 2008
JUDGE MATTHEW F. KENNELLY
UNITED STATES DISTRICT COURT

UNITED STATES OF AMERICA)

v.)

No.: 08 CR 143

JAIME ANGUIANO and)
JULIO MONTES DE OCA)

Chief Judge James F. Holderman

UNOPPOSED MOTION FOR AN EXTENSION OF TIME
TO RETURN INDICTMENT PURSUANT TO 18 U.S.C. § 3161(h)

The UNITED STATES OF AMERICA, by its attorney, PATRICK J. FITZGERALD, United States Attorney for the Northern District of Illinois, hereby moves this Court, pursuant to 18 U.S.C. § 3161(h)(8), for a 14-day extension of time, to and including April 1, 2008, in which to seek the return of an indictment against the defendants. In support of the Motion, the government respectfully states as follows:

BACKGROUND

1. On February 17, 2008, defendants were arrested in this case. On February 20, 2008, the government filed a complaint charging that the defendants knowingly and intentionally possessed with intent to distribute a controlled substance, namely in excess of 100 kilograms of mixtures containing marijuana, a Schedule I Narcotic Drug Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

2. Defendant JAIME ANGUIANO was subsequently released on bond. Defendant JULIO DE MONTES OCA, who is not in the United States legally, was detained.

3. MONTES DE OCA waived his right to a preliminary examination and a finding of probable cause was entered. ANGUIANO's preliminary examination is scheduled for March 17, 2008.

4. The Speedy Trial Act requires that an indictment or information be filed within 30 days of the date of a defendant's arrest. 18 U.S.C. § 3161(b). Accordingly, the deadline for the filing of an indictment or information is presently March 18, 2008 for both defendants.

5. The government is in the process of assembling and providing early discovery to defendants. The government anticipates the discovery will be provided the week of March 17, 2008.

6. The Speedy Trial Act permits the extension of time to return an indictment "upon the request of the attorney for the government if the Court finds that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(8)(A).

7. Counsel for ANGUIANO and MONTES DE OCA do not oppose the government's motion.

8. For the reasons set forth in the sealed Attachment, coupled with the fact that defendants will be provided with early discovery, it is in the interests of justice to grant the relief requested herein. The Motion should be granted.¹

¹ A proposed order is attached to this Motion.

WHEREFORE, the United States respectfully requests a 14-day extension of time from March 18, 2008 to and including April 1, 2008, in which to seek an indictment in this case.

Respectfully submitted.

PATRICK J. FITZGERALD
United States Attorney

By: /s/ J. Gregory Deis
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Dated: March 14, 2008

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	No.: 08 CR 143
)	08 GJ 178
)	
JAIME ANGUIANO and)	Chief Judge James F. Holderman
JULIO MONTES DE OCA)	

CERTIFICATE OF SERVICE

The undersigned Assistant United States Attorney hereby certifies that the following document:

UNOPPOSED MOTION FOR AN EXTENSION OF TIME
TO RETURN INDICTMENT PURSUANT TO 18 U.S.C. § 3161(h)

was served on March 14, 2008, in accordance with FED. R. CRIM. P. 49, FED. R. CIV. P. 5, LR 5.5, and the General Order on Electronic Case Filing (ECF) pursuant to the district court's system as to ECF filers.

Respectfully submitted.

PATRICK J. FITZGERALD
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